

EXPRESS MAIL NO. EV336651854US

PTO/SB/01A (10-00).

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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

<b>Title of Invention</b>	ION-EXCHANGE MEMBRANE FOR AN ELECTROCHEMICAL FUEL CELL
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 10/738,914, filed on December 17, 2003,  
☐ as amended on \_\_\_\_\_ (if applicable);

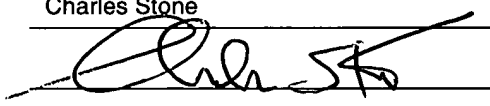
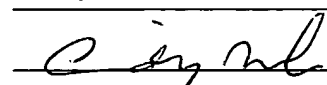
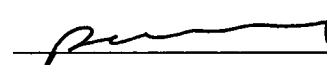
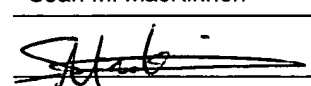
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

Inventor one:	<u>Charles Stone</u>	Citizen of:	<u>Canada</u>
Signature:		Date:	<u>Jan 20/04</u>
Inventor two:	<u>Cindy Mah</u>	Citizen of:	<u>Canada</u>
Signature:		Date:	<u>Jan 29/04</u>
Inventor three:	<u>Paul F. Meharg</u>	Citizen of:	<u>Canada</u>
Signature:		Date:	<u>Jan 20/04</u>
Inventor four:	<u>Sean M. MacKinnon</u>	Citizen of:	<u>Canada</u>
Signature:		Date:	<u>Jan 20/04</u>

X Additional inventors are being named on 1 additional form(s) attached hereto.

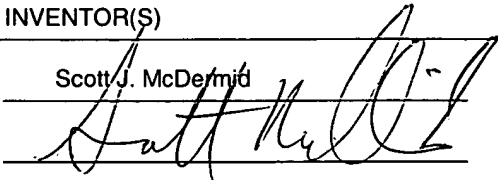
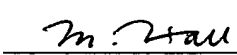
Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Docket No. 130109.511

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)****ADDITIONAL INVENTOR(S)  
Supplemental Sheet**Page 2 of 2

## FULL NAME OF INVENTOR(S)

Inventor five: Scott J. McDermidCitizen of: CanadaSignature: Date: Jan. 20/04Inventor six: Stephen S. HamadaCitizen of: CanadaSignature: Date: Jan 20, 2004Inventor seven: Miho S. HallCitizen of: CanadaSignature: Date: Jan 20, 2004

Inventor eight: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.



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<b>ELECTION AND POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	<b>Application Number</b>	10/738,914
	<b>Filing Date</b>	December 17, 2003
	<b>First Named Inventor</b>	Charles Stone
	<b>Title</b>	ION-EXCHANGE MEMBRANE FOR AN ELECTROCHEMICAL FUEL CELL
	<b>Art Unit</b>	
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	130109.511

I hereby appoint:

☒ Practitioners at Seed IP Law Group PLLC, Customer Number: **00500****OR**☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.**OR**☐ The address associated with Customer Number:**OR**☐ Firm or  
Individual Name

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*☒ As assignee of record of the entire interest I/we hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).**SIGNATURE of Applicant or Assignee of Record**

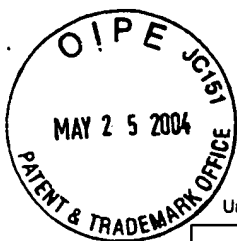
Name	Noordin S.K. Nanji – Vice-President, Corporate Strategy & Development
Signature	
Date	JANUARY 29, 2004
Name	Dave Smith – Chief Financial Officer
Signature	
Date	January 30, 2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Charles Stone et al.  
Application No./Patent No.: 10/738,914 Filed/Issue Date: December 17, 2003  
Entitled: ION-EXCHANGE MEMBRANE FOR AN ELECTROCHEMICAL FUEL CELL

Ballard Power Systems Inc.

(Name of Assignee)

a

Corporation(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as shown below:

1. From: Inventors

To: Ballard Advanced Materials Corporation

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: Ballard Advanced Materials Corporation

To: Ballard Power Systems Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

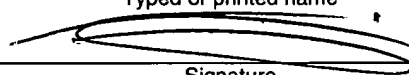
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

JANUARY 29, 2004  
DateNoordin S.K. Nanji

Typed or printed name

  
SignatureVice-President, Corporate Strategy &  
Development

Title

January 30, 2004  
DateDave Smith

Typed or printed name

  
SignatureChief Financial Officer

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. D:\130109.511\447183\_1.DOC

## ASSIGNMENT

WHEREAS, we,

Name	Post Office Address	
Charles Stone	4948 Edendale Lane, West Vancouver, British Columbia, CANADA V7W 3H7	;
Cindy Mah	3074 East 8th Avenue, Vancouver, British Columbia, CANADA V5M 1X3	;
Paul F. Meharg	350 East 32nd Avenue, Vancouver, British Columbia, CANADA V5V 2Y4	;
Sean M. MacKinnon	#317 – 7383 Griffiths Drive, Burnaby, British Columbia, CANADA V5E 4M8	;
Scott J. McDermid	#203 – 3820 Cambie Street, Vancouver, British Columbia, CANADA V5Z 2X7	;
Stephen S. Hamada	#B906 – 4288 Grange Street, Burnaby, British Columbia, CANADA V5H 1P2	; and
Miho S. Hall	#319 – 1515 West 2nd Avenue, Vancouver, British Columbia, CANADA V6J 5C5	,

(hereinafter referred to as ASSIGNORS), having post office addresses as listed above next to our names, are the joint inventors of an invention entitled

ION-EXCHANGE MEMBRANE FOR AN  
ELECTROCHEMICAL FUEL CELL

as described and claimed in the specification for which an application for United States letters patent was filed on December 17, 2003, and assigned Application No. 10/738,914;

WHEREAS, Ballard Advanced Materials Corporation (hereinafter referred to as ASSIGNEE), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to said invention, this application, and any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Jan 20/04  
 Date  
 City of Burnaby  
 Province of Bc

Charles Stone  
 Charles Stone

ss.

I certify that I know or have satisfactory evidence that Charles Stone is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Jan 20, 2004  
 Signature of Victor Tuomi  
 Notary Public  
 Printed Name Victor Tuomi

My appointment does not expire

## ASSIGNMENT

WHEREAS, Ballard Advanced Materials Corporation (hereinafter referred to as ASSIGNOR), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, BC, Canada V5J 5J9, is an assignee of record of an invention entitled "ION-EXCHANGE MEMBRANE FOR AN ELECTROCHEMICAL FUEL CELL," as described and claimed in the specification for which an application for United States letters patent was filed on December 17, 2003, and assigned Application No. 10/738,914.


WHEREAS, Ballard Power Systems Inc. (hereinafter referred to as ASSIGNEE), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to said invention, this application, and any Letters Patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters

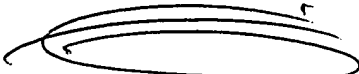
patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

BALLARD ADVANCED MATERIALS CORPORATION

January 30, 2004  
Date

By   
Dave Smith  
Its Vice-President, Controller

JANUARY 29, 2004  
Date

By   
Noordin S.K. Nanji  
Its Corporate Secretary

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JAN 29, 2004  
 Date Cindy Mah  
 City of BURNABY )  
 Province of B.C. ) ss.

I certify that I know or have satisfactory evidence that Cindy Mah is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

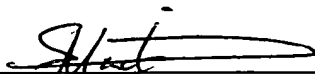
Dated Jan 29, 2004  
 Signature of Victor Tuomi  
 Notary Public Victor Tuomi  
 Printed Name Victor Tuomi  
 My appointment does not expire

20 JAN 2004  
 Date Paul F. Meharg  
 City of BURNABY )  
 Province of B.C. ) ss.

I certify that I know or have satisfactory evidence that Paul F. Meharg is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 20 JAN 2004  
 Signature of Tanya J. Rother  
 Notary Public Tanya J. Rother  
 Printed Name TANYA J ROTHER  
 My appointment does not expire

Jan 20/04  
Date

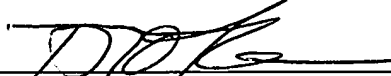
  
Sean M. MacKinnon

City of Burnaby )  
Province of BC )

ss.

I certify that I know or have satisfactory evidence that Sean A. MacKinnon is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

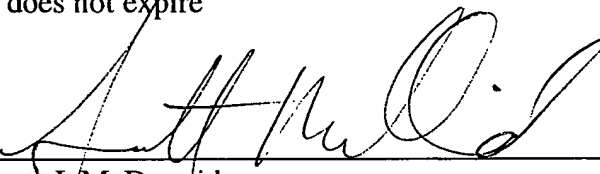
Dated 20 JANUARY 2004

Signature of Notary Public 

Printed Name TANYA J. ROTHE

My appointment does not expire

Jan. 20/04  
Date

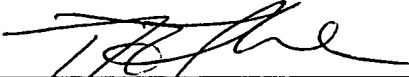
  
Scott J. McDermid

City of Burnaby )  
Province of B.C. )

ss.

I certify that I know or have satisfactory evidence that Scott J. McDermid is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 20 JANUARY 2004

Signature of Notary Public 

Printed Name TANYA J. ROTHE

My appointment does not expire

Jan 20, 2004  
Date

S. Hamada  
Stephen S. Hamada

City of Burnaby)  
Province of BC)

ss.

I certify that I know or have satisfactory evidence that Stephen S. Hamada is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 20 JANUARY 2004  
Signature of Tanya J. Rothe  
Notary Public  
Printed Name TANYA J ROTHE

My appointment does not expire

Jan 20, 2004  
Date  
City of Burnaby)  
Province of B.C.)

M. Hall  
Miho S. Hall

ss.

I certify that I know or have satisfactory evidence that Miho S. Hall is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 20 JANUARY 2004  
Signature of Tanya J. Rothe  
Notary Public  
Printed Name TANYA J ROTHE

My appointment does not expire